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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/541,025 | 06/28/2005 | Takayuki Matsukawa | P28068 | 2305 |
| 52123 7590 03/05/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191 | | | | |
| EXAMINER TOPGYAL, GELEK W | | | | |
| ART UNIT 2621 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/541,025

Applicant(s)

MATSUKAWA ET AL.

Examiner

GELEK TOPGYAL

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 5-8 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Swanson et al. (US 5,689,442).

Regarding claims 1 and 11, Swanson et al. teaches a multimedia data recording apparatus/method comprising:

a layer classification section that classifies multimedia data into a plurality of hierarchical layers according to data contents or data precision (col. 4, line 46 through col. 5, line 30 and col. 5, line 53 through col. 6, line 39 teaches wherein events are recorded onto storage device 18. The data recorded to the storage device 18 includes data at or near the time of a detected event (based on a plurality of sensors that could be triggered in sensors 12, 14 and 16));

a recording section that continuously records data classified into said layers in memory (col. 4, line 46 through col. 5, line 30 and col. 5, line 53 through col. 6, line 39 teaches a storage medium 18); and

a data amount reduction section that, when vacant capacity of said memory is at or below a threshold value, performs deletion in order starting with data classified into a lower layer of said hierarchical layers among data recorded in said memory (col. 8, lines 15-36 teaches wherein when storage space is needed, recorded data sans without a detected event of interest is deleted, the recorded data without events are classified in a lower layer of a hierarchy).

Regarding claim 3, Swanson et al. teaches the claimed wherein said layer classification section classifies said multimedia data into a plurality of hierarchical layers according to frame rate (col. 9, lines 1-41 and col. 5, line 53+ teaches that according to one option, the control processor 10 can increase a frame rate of the capture when an event of interest is detected. This information (event information) is recorded along with the video and audio data)), required image quality or resolution (col. 9, lines 1-41 and col. 5, line 53+ teaches increase or change in resolution), image variation amount between frames (col. 5, lines 20-24 teaches detecting movement), required storage time, MPEG (Moving Picture Experts Group) data picture type, importance of a recorded event, or an enhancement layer of data coded by an MPEG scalable coding method (col. 5, lines 53+ and col. 11, lines 27-47 teaches MPEG compression).

Claim 5 is rejected for the same reasons as discussed in claims 1 and 3 above, wherein the non-event of interest recorded data are deleted.

Regarding claim 6, Swanson et al.'s system only deletes recorded data (non-event of interest data) after it has initially been recorded onto the medium, therefore the minimum storage can be a time of 0 seconds and thereby meets the claimed limitation.

Regarding claim 7, Swanson et al. teaches the claimed wherein said layer classification section sets said multimedia data in a plurality of segments according to a time of acquisition of this data (col. 6, lines 40-54 teaches storing time stamps of each frame of the event of interest) and then classifies said multimedia data into said layers for each said segment (as discussed thoroughly in claims 1 and 3 above); and said data amount reduction section selects a segment whose said time of acquisition is older, and performs deletion in order starting with data recorded in a lower layer within this segment (as discussed in col. 8, lines 15-36, when a period of non-event is continuously recorded the older recorded portions are deleted to make room for new possible event of interest information).

Regarding claim 8, Swanson et al. teaches the claimed as discussed in claim 1 above, and as discussed in col. 7, 20-23, the events of interest that have been recorded are not to be deleted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson et al. (US 5,689,442) in view of Takahashi (US 2003/0031458)

Regarding claim 10, Swanson et al. teaches the claimed as discussed in claim 5 above, however fails to particularly teach wherein a determination section that

determines mutual similarity of data recorded in said memory; wherein said data amount reduction section performs deletion in order starting with data recorded in a lower layer for a layer in which older data is recorded among data determined to have a high degree of similarity by said determination section.

In an analogous art, Takahashi teaches in paragraphs 33 and 75 wherein a duplication handling process is completed to check for duplicate information. Once a duplicate is found, the copy that is already in the database area (older) is deleted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to delete older similar data as taught by Takahashi into the system of Swanson et al. so that more room for storage is made available. Swanson provides for the motivation as increased storage space is a desired result (Swanson's dynamic management of storage information in the Abstract).

Allowable Subject Matter

6. **Claim 9** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior arts teach surveillance systems that can record images and audio of detected events and teaches the classifying the recorded events based on the detected event information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621